

SENATE BILL NO. 265—SENATOR CARLTON
(BY REQUEST)

MARCH 12, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to dentistry and dental hygiene. (BDR 54-1184)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to dentistry; increasing the maximum salary a member of the Board of Dental Examiners of Nevada is entitled to receive for each day he is engaged in the business of the Board; authorizing the Executive Director and the members of the Board to issue subpoenas; revising the requirements for the issuance of a permanent license for an applicant who holds a temporary license; eliminating the requirement that the Board meet at least annually to examine applicants for licenses; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 1** of this bill removes the requirement that the Board of Dental
2 Examiners of Nevada meet at least once each year to examine applicants for
3 licenses. **Section 2** of this bill increases the maximum salary a member of the
4 Board of Dental Examiners of Nevada is entitled to receive for each day he is
5 engaged in the business of the Board. **Section 3** of this bill requires a person who
6 applies for a license without examination to file an application at least 45 days
7 before the Board is scheduled to take action on the application. **Sections 4 and 5** of
8 this bill eliminate the requirement that a person who holds a temporary license and
9 wishes to apply for a permanent license must not have been involved in any
10 disciplinary action during the period he held the temporary license. **Section 6** of
11 this bill authorizes the Executive Director and any member of the Board to issue
12 subpoenas. **Section 7** of this bill prohibits a dentist from practicing dentistry in a
13 manner or place that is not permitted by the provisions of chapter 631 of NRS.



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14 **Section 7** also provides that a first or second offense is a gross misdemeanor and a
15 third or subsequent offense is a category D felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 631.170 is hereby amended to read as follows:
2 631.170 1. The Board shall meet ~~{at least once annually}~~
3 *whenever necessary* to examine applicants. The dates of the
4 examinations must be fixed by the Board. The Board may conduct
5 examinations outside ~~{off}~~ this State, and for this purpose may use
6 the facilities of dental colleges, but all examinations must be
7 conducted by members of the Board or examiners appointed by the
8 Board.

9 2. The Board may also meet at such other times and places and
10 for such other purposes as it may deem proper.

11 3. A quorum consists of five members who are dentists and
12 two members who are dental hygienists.

13 **Sec. 2.** NRS 631.180 is hereby amended to read as follows:

14 631.180 1. Each member of the Board is entitled to receive:

15 (a) A salary of not more than ~~{\\$80}~~ ***\$150*** per day as fixed by the
16 Board, while engaged in the business of the Board; and

17 (b) A per diem allowance and travel expenses at a rate fixed by
18 the Board, while engaged in the business of the Board. The rate
19 must not exceed the rate provided for state officers and employees
20 generally.

21 2. While engaged in the business of the Board, each employee
22 of the Board is entitled to receive a per diem allowance and travel
23 expenses at a rate fixed by the Board. The rate must not exceed the
24 rate provided for state officers and employees generally.

25 3. The Board shall deposit in banks, credit unions or savings
26 and loan associations in this State all fees which it receives.

27 4. All expenses of the Board must be paid from the fees
28 received by the Board, and no part thereof may be paid from the
29 State General Fund.

30 **Sec. 3.** NRS 631.220 is hereby amended to read as follows:

31 631.220 1. Every applicant for a license to practice dental
32 hygiene or dentistry, or any of its special branches, ~~{shall:}~~ ***must:***

33 (a) File an application with the Board ***at least*** 45 days before
34 ~~{the:}~~

35 ***(1) The*** date on which the examination ~~{is to}~~ ***will*** be given
36 ~~{:}~~ ***; or***

37 ***(2) If an examination is not required for the issuance of a***
38 ***license, the date on which the Board is scheduled to take action on***
39 ***the application.***



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(b) Accompany the application with a recent photograph of himself together with the required ~~examination~~ fee and such other documentation as the Board may require by regulation.

(c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. An application must include all information required to complete the application.

Sec. 4. NRS 631.272 is hereby amended to read as follows:

631.272 1. Except as otherwise provided in this section, the Board shall, without a clinical examination required by NRS 631.240, issue a temporary license to practice dentistry to a person who:

(a) Has a license to practice dentistry issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Has practiced dentistry pursuant to the laws of another state or territory of the United States, or the District of Columbia, for a minimum of 5 years;

(c) Has not had his license to practice dentistry revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(d) Has not been refused a license to practice dentistry in this State, another state or territory of the United States, or the District of Columbia;

(e) Is not involved in or does not have pending a disciplinary action concerning his license to practice dentistry in this State, another state or territory of the United States, or the District of Columbia;

(f) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240;

(g) Submits all information required to complete an application for a license; and

(h) Satisfies the requirements of NRS 631.230.

2. A person to whom a temporary license is issued pursuant to subsection 1 may:

(a) Practice dentistry for the duration of the temporary license; and

(b) Apply for a permanent license to practice dentistry without a clinical examination required by NRS 631.240 if ~~f~~:

~~(1) The~~ ~~the~~ person has held a temporary license to practice dentistry pursuant to subsection 1 for a minimum of 2 years. ~~f~~ and



~~—— (2) The person has not been involved in any disciplinary action during the time he has held a temporary license pursuant to subsection 1.]~~

3. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

4. The Board shall not, on or after July 1, 2006, issue any additional temporary licenses to practice dentistry pursuant to this section.

5. Any person who, on July 1, 2006, holds a temporary license to practice dentistry issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dentistry under the temporary license until December 31, 2008, or until the person is qualified to apply for and is issued or denied a permanent license to practice dentistry in accordance with this section, whichever period is shorter.

6. The Board may revoke a temporary license at any time upon submission of substantial evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 5. NRS 631.273 is hereby amended to read as follows:

631.273 1. Except as otherwise provided in this section, the Board shall, without a clinical examination required by NRS 631.300, issue a temporary license to practice dental hygiene to a person who:

(a) Has a license to practice dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Satisfies the requirements of NRS 631.290;

(c) Has practiced dental hygiene pursuant to the laws of another state or territory of the United States, or the District of Columbia, for at least 5 years immediately preceding the date that he applies for a temporary license;

(d) Has not had his license to practice dental hygiene revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(e) Has not been denied a license to practice dental hygiene in this State, another state or territory of the United States, or the District of Columbia;

(f) Is not involved in or does not have pending a disciplinary action concerning his license to practice dental hygiene in this State, another state or territory of the United States, or the District of Columbia;

(g) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.300; and



(h) Submits all information required to complete an application for a license.

2. A person to whom a temporary license is issued pursuant to this section may:

(a) Practice dental hygiene for the duration of the temporary license; and

(b) Apply for a permanent license to practice dental hygiene without a clinical examination required by NRS 631.300 if ~~the~~

~~the~~ ~~(1) The~~ ~~the~~ person has held a temporary license to practice dental hygiene issued pursuant to this section for at least 2 years . ~~the~~ and

~~(2) The person has not been involved in any disciplinary action during the time he has held a temporary license issued pursuant to this section.~~

3. The Board shall examine each applicant in writing concerning the contents and interpretation of this chapter and the regulations of the Board.

4. The Board shall not, on or after July 1, 2006, issue any additional temporary licenses to practice dental hygiene pursuant to this section.

5. Any person who, on July 1, 2006, holds a temporary license to practice dental hygiene issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dental hygiene under the temporary license until December 31, 2008, or until the person is qualified to apply for and is issued or denied a permanent license to practice dental hygiene in accordance with this section, whichever period is shorter.

6. The Board may revoke a temporary license at any time upon submission of substantial evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 6. NRS 631.360 is hereby amended to read as follows:

631.360 1. The Board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for refusal, suspension or revocation of a license or certificate under this chapter, investigate the actions of any person holding a certificate.

2. The Board shall, before refusing to issue, or before suspending or revoking any certificate, at least 10 days before the date set for the hearing, notify in writing the applicant or the holder of the certificate of any charges made. The notice may be served by delivery of it personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the Board.



3. At the time and place fixed in the notice, the Board shall proceed to hear the charges. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report.

4. The Board, *any member thereof or the Executive Director* may compel the attendance of witnesses or the production of documents or objects by subpoena. Any person who is subpoenaed ~~by the Board~~ *pursuant to this subsection* may request the Board to modify the terms of the subpoena or grant additional time for compliance.

5. The Board may obtain a search warrant from a magistrate upon a showing that the warrant is needed for an investigation or hearing being conducted by the Board and that reasonable cause exists to issue the warrant.

6. If the Board is not sitting at the time and place fixed in the notice, or at the time and place to which the hearing has been continued, the Board shall continue the hearing for a period not to exceed 30 days.

Sec. 7. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State ~~is~~ *is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

2. *A person* who practices or offers to practice dental hygiene in this State without a license, or who, having a license, practices dental hygiene in a manner or place not permitted by the provisions of this chapter:

(a) If it is his first or second offense, is guilty of a gross misdemeanor.

(b) If it is his third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

~~2-3~~ 3. *A person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:*

(a) *If it is his first or second offense, is guilty of a gross misdemeanor.*

(b) *If it is his third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

4. The Board may assign ~~such~~ a person *described in subsection 1, 2 or 3* specific duties as a condition of renewing his license.

~~3.—Whenever~~

5. *If* a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board,



- 1 may issue an injunction or other appropriate order restraining the
- 2 conduct. Proceedings under this subsection are governed by Rule 65
- 3 of the Nevada Rules of Civil Procedure, except that no bond or
- 4 undertaking is required in any action commenced by the Board.

